UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,906	08/18/2006	Mark Beckmann	2004P01470	2370

24131 7590 06/04/2009
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
MAPA, MICHAEL Y	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,906	BECKMANN ET AL.	
	Examiner	Art Unit	
	Michael Mapa	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/23/06 & 04/14/09 has been considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 14-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandini et al. (US Patent Publication 2002/0199095 herein after referenced as Bandini) in view of Lewis et al. (US Patent Publication 2003/0109271 herein after referenced as Lewis).

Regarding claim 14, Bandini discloses "A method for controlling and evaluating message traffic of a communication unit" **(Paragraph [0004] of Bandini).** Bandini discloses "which comprises the steps of: transmitting all messages of the message traffic via a first network unit" **(Paragraph [0019] of Bandini).** Bandini discloses "the first network unit deciding, with an aid of at least one item of useful information of the

communication unit, whether one or more of the messages are to be forwarded to a second network unit for further processing, or are to be blocked" **(Paragraphs [0019] & [0021] & [0026] & [0036] – [0037] & [0039] of Bandini).** Bandini discloses "determining, via the first network unit with the aid of at least one item of the useful information of the communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit" **(Paragraphs [0036] – [0038] of Bandini).**

Bandini fails to explicitly recite "within a mobile radio system" and "assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message of the message traffic of the communication unit; and allocating the user identity to an application of the communication unit."

In a related field of endeavor, Lewis discloses "within a mobile radio system" **(Paragraph [0206] of Lewis).** Lewis discloses "assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message of the message traffic of the communication unit; and allocating the user identity to an application of the communication unit" **(Paragraphs [0308] & [0309] of Lewis).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Bandini to incorporate the teachings of Lewis for the purpose of improving system versatility by providing a system that can interface with varied information providers, handle multiple message formats and direct queries for

information to a number of different information sources **(Paragraph [0021] of Lewis).**

Regarding claim 15, Bandini in view of Lewis discloses "The method according to claim 14, which further comprises calling up the at least one item of the useful information that determines the controlling and evaluation of the at least one message of the message traffic of the communication unit from a database" **(Paragraph [0031] of Bandini).**

Regarding claim 16, Bandini in view of Lewis discloses "The method according to claim 14, which further comprises inserting at least one filter instruction into the at least one item of the useful information and selecting the filter instruction from the group consisting of: one or more positive destination addresses that are addressable for the communication unit; one or more negative destination addresses that are not addressable for the communication unit; and one or more destination addresses that are to be logged by the first network unit" **(Paragraphs [0021] & [0026] – [0027] & [0036] of Bandini).**

Regarding claim 17, Bandini in view of Lewis discloses "The method according to claim 14, which further comprises identifying the messages of the traffic message to be logged with an acquisition identity" **(Paragraph [0036] of Bandini).**

Regarding claim 18, Bandini in view of Lewis discloses "The method according to claim 14, which further comprises forwarding the logfile via the first network unit using a logging message to an evaluation unit for evaluation" **(Paragraph [0026] of Bandini, wherein Bandini discloses comparing the incoming message with the sender addresses of SPAM messages of the SPAM database. Bandini in view of Lewis**

fails to explicitly recite "forwarding the logfile and using a logging message, however it is well within the scope of one of ordinary skill in the art to recognize that before a comparison and evaluation is done as Bandini discloses, the SPAM database needs to send the logfile for the purpose of completing the comparison and determining if the message is SPAM or not).

Regarding claim 19, Bandini in view of Lewis discloses "The method according to claim 18, which further comprise evaluating the messages logged in the logfile via the evaluation unit using at least one criteria selected from the group consisting of: useful data of the message; destination address of the message; number of accesses to the destination address; data quantity; the messages that were sent with a specific user identity; the messages that were sent with a specific acquisition identity; and correlation of messages with signaling information and/or the useful data" **(Paragraphs [0026] – [0032] of Bandini).**

Regarding claim 20, Bandini in view of Lewis discloses "The method according to claim 14, which further comprises: authorizing the communication unit to exchange messages; and using at least one key pair to provide a protected message traffic" **(Paragraphs [0226] & [0246] & [0231] – [0234] of Lewis).**

Regarding claim 22, Bandini in view of Lewis discloses "The method according to claim 14, which further comprises forming the first network unit as a group of network elements" **(Fig. 2 & Paragraphs [0012] – [0013] of Bandini).**

Regarding claim 23, Bandini discloses "A first network unit for controlling and evaluating message traffic of a communication unit" **(Paragraph [0004] of Bandini).**

Bandini discloses "the first network unit comprising: a receiving unit for receiving all messages of the message traffic of the communication unit; a transmitting unit for transmitting the messages of the message traffic" **(Fig. 2 & Paragraphs [0019] of Bandini, wherein Bandini discloses receiving email messages and comparing it with the stored messages to determine whether an email message should be allowed to flow (transmitting) to the server, therefore a receiver and a transmitter).** Bandini discloses "and a processing unit for deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of useful information of the communication unit, be forwarded to a second network unit for further processing or can be blocked" **(Paragraphs [0019] & [0021] & [0026] & [0036] – [0037] & [0039] of Bandini).** Bandini discloses "said processing unit further deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of the useful information of the communication unit, be logged by the first network unit in a logfile" **(Paragraphs [0036] – [0038] of Bandini).**

Bandini fails to explicitly recite "within a mobile radio system" and "with a specific set of the useful information being assigned to a user identity in each case, with the specific set of useful information being used to control and evaluate at least one of the messages of the message traffic of the communication unit, and with the user identity being allocated to an application of the communication unit."

In a related field of endeavor, Lewis discloses "within a mobile radio system" **(Paragraph [0206] of Lewis).** Lewis discloses "with a specific set of the useful information being assigned to a user identity in each case, with the specific set of useful

information being used to control and evaluate at least one of the messages of the message traffic of the communication unit, and with the user identity being allocated to an application of the communication unit" **(Paragraphs [0308] & [0309] of Lewis).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Bandini to incorporate the teachings of Lewis for the purpose of improving system versatility by providing a system that can interface with varied information providers, handle multiple message formats and direct queries for information to a number of different information sources **(Paragraph [0021] of Lewis).**

Regarding claim 24, Bandini discloses "A communication unit having message traffic being controlled and evaluated by a first network unit" **(Paragraph [0004] of Bandini).** Bandini discloses "the communication unit comprising: a receiving unit for receiving all messages of the message traffic; and a transmitting unit for transmitting all of the messages of the message traffic to be transmitted" **(Fig. 2 & Paragraphs [0019] of Bandini, wherein Bandini discloses receiving email messages and comparing it with the stored messages to determine whether an email message should be allowed to flow (transmitting) to the server, therefore a receiver and a transmitter).**

Bandini fails to explicitly recite "within a mobile system."

In a related field of endeavor, Lewis discloses "within a mobile radio system" **(Paragraph [0206] of Lewis).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Bandini to incorporate the teachings of Lewis for the purpose of

improving system versatility by providing a system that can interface with varied information providers, handle multiple message formats and direct queries for information to a number of different information sources **(Paragraph [0021] of Lewis).**

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bandini et al. (US Patent Publication 2002/0199095 herein after referenced as Bandini) in view of Lewis et al. (US Patent Publication 2003/0109271 herein after referenced as Lewis) and further in view of Patil et al. (US Patent Publication 2004/0203432 herein after referenced as Patil).

Regarding claim 21, Bandini in view of Lewis discloses "The method according to claim 14." Bandini in view of Lewis fails to explicitly recite "which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol."

In a related field of endeavor, Patil discloses recite "which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol" **(Paragraph [0003] of Patil).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Bandini in view of Lewis to incorporate the teachings of Patil for the purpose of improving system security by providing a network wherein the problem of interference by malicious nodes is mitigated **(Paragraph [0008] of Patil).**

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617